

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION**

In the matter of:

Boundary Commission
Docket #96-I-1

The proposed incorporation of
territory in Almont Township
and the Village of Almont into the
City of the Village of Almont.

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER

This matter of the proposed incorporation of the following territory in Almont Township and the Village of Almont and described as follows:

BEING LOCATED IN PART OF SECTION 21,22,27, AND 28, T6N-R12E, ALMONT TOWNSHIP, LAPEER COUNTY, MICHIGAN, and more particularly described as follows: BEGINNING at the West 1/4 corner of Section 22, which is the point of beginning and which is located on the centerline of Howland Road; thence North 89°06'32" East 697.42 feet along the East-West 1/4 line of Section 22; thence South 00°31'55" West 1775.54 feet to the Northwest corner of "NORTHEAST ADDITION TO ALMONT VILLAGE"; thence North 87°49'26" East 1794.30 feet along the North line of "NORTHEAST ADDITION TO ALMONT VILLAGE" and continuing along the North line of "FRED SCHOCKE SUBDIVISION" to the Northeast corner of LOT 15 of "FRED SCHOCKE SUBDIVISION"; thence South 01°33'30" West 478.29 feet to the Southeast corner of LOT 11 of "FRED SCHOCKE SUBDIVISION"; thence North 87°57'57" East 212.99 feet to a point on the North-South 1/4 line of Section 22, which is the centerline of Kidder Road; thence South 03°17'56" West 288.88 feet along the North-South 1/4 line of Section 22, which is the centerline of Kidder Road; thence North 88°26'19" East 214.50 feet; thence South 03°17'56" West 374.55 feet to the North line of Section 27; thence North 88°26'19" East 1342.18 feet along the North line of Section 27 to the Northwest corner of "CLINTON ESTATES"; thence South 01°10'39" West 1856.55 feet along the West line of "CLINTON ESTATES" to the Southwest corner of "CLINTON ESTATES"; thence North 88°09'59" East 933.42 feet along the South line of "CLINTON ESTATES" and "TIMBER LANES" to the Southeast corner of LOT 7 of "TIMBER LANES"; thence North 01°33'41" West 50.00 feet along the East line of LOT 7 of "TIMBER LANES" to the Southwest corner of LOT 6 of "TIMBER LANES"; thence North 88°26'20" East 247.00 feet along the South line of LOT 6 of "TIMBER LANES" to the Southeast corner of LOT 6 of "TIMBER LANES"; thence South 01°33'40" East 877.00 feet to the East-West 1/4 line of Section 27; thence North 88°13'14" East 110.40 feet to the East 1/4 corner of Section 27; thence South 00°50'45" West 960.42 feet along the East line of Section 27; thence South 88°13'14" West

2702.26 feet to the North-South 1/4 line of Section 27; thence North 01°48'56" West 959.46 feet along the North-South 1/4 line to the Center of Section 27; thence South 88°12'34" West 2717.74 feet along the East-West 1/4 line of Section 27 to the West 1/4 corner of Section 27, which is also the East 1/4 corner of Section 28 and which point is on the centerline of Michigan State Highway M-53 (VanDyke Road); thence North 89°21'01" West 2711.25 feet along the East-West 1/4 line of Section 28 to the Center of Section 28; thence North 00°03'21" West 1213.54 feet along the North-South 1/4 line of Section 28; thence continuing along the North-South 1/4 line of Section 28, North 00°01'35" East 1509.66 feet to the North 1/4 corner of Section 28, which is also the South 1/4 corner of Section 21 and is on the centerline of West St. Clair Street; thence North 00°51'12" East 2616.12 feet along the North-South 1/4 line of Section 21 to the Center of Section 21; thence North 84°55'51" East 844.45 feet along the East-West 1/4 line of Section 21 to a point on the centerline of a ditch; thence North 01°01'02" East 460.87 feet along the centerline of said ditch; thence North 84°55'51" East 315.82 feet to a point on the West line of Michigan State Highway M-53 (VanDyke Road); thence North 35°20'24" West 1095.23 feet along the West line of Michigan State Highway M-53 (VanDyke Road) to a point of curvature; thence along the West line of Michigan State Highway M-53 (Van Dyke Road) on a curve to the right radius 2914.78 feet, central angle 27°22'25" and whose chord bearing and distance is North 21°39'11" West 1379.35 feet with an arc distance of 1392.56 feet to the North line of Section 21; thence South 89°54'32" East 2658.56 feet along the North line of Section 21 to the Northeast corner of Section 21; thence South 00°15'36" West 2504.61 feet along the East line of Section 21 to the West 1/4 corner of Section 22 and the point of beginning.

Includes lots 1 - 16 of "K-Lynn Subdivision No. 1", & lots 17 - 43 of "K-Lynn Subdivision No. 2", & lots 44 - 58 of "K-Lynn Subdivision No. 3", & lots 59 - 67 of "K-Lynn Subdivision No. 4", & lots 68 - 85 of "K-Lynn Subdivision No. 5", & lots 86 - 111 of "K-Lynn Subdivision No. 6", & lots 1 - 20 of "Victorian Woods Subdivision No. 1", & lots 1 - 22 of "Orchard Hills Subdivision No. 1", & lots 23 - 39 of "Orchard Hills Subdivision No. 2", & lots 1 - 10 of "Westwinds subdivision No. 1", & lots 11 - 24 of "Westwinds Subdivision No. 2", & lots 25 - 31 of "Westwinds Subdivision No. 3", & lots 32 - 40 of "Westwinds Subdivision No. 4", & lots 41 - 53 of "Westwinds Subdivision No. 3", & lots 32 - 40 of "Westwinds Subdivision No. 4", & lots 41 - 53 of "Westwinds Subdivision No. 5", & lots 51 - 64 of "Westwinds Subdivision No. 6", & lots 1 - 54 of "Northeast Addition Subdivision" (a replat of lots 1 - 48 of Moores Addition to the Village Almont), & lots 55 - 80 of "Northeast Addition Subdivision No. 2", & part of lots 1 - 9 of "Barnes Acres No. 1", & lots 10 - 20 of "Barnes Acres No. 2", & lots 1 - 15 of "Fred Schocke Subdivision", & lots 1 - 140 of original Town of Newburgh (now known as Village of Almont), & lots 1 - 8, block 13, "Northern Division of Newburgh" (now known as Village of Almont), & lots 2, 3 & 6, block 10 & lots 2, 3, 6 & 7, block 11 & lots 6, 7 & 8, block 12 & lots 2, 3, 6 & 7, block 13 & lot 7, block 14, "Amasa P. Cook's Addition to the Northern Division", & lots 1 - 6 & lots 20 - 50 of "Scully & Bristol Addition" & lots 1 - 13 of "Kidder Road Farms".

Having come for final adjudication before State Boundary Commissioners VerBurg and Walker, and Lapeer County Commissioners Whitney and Rauh, in Lansing, on March 27, 1997, and the Commission, being fully advised as to the position of the respective parties, made its findings on said date.

SUMMARY OF PROCEEDINGS

- A. On February 20, 1996, a petition was filed by Gerald Oakes asking for the incorporation of territory in Almont Township into the City of the Village of Almont.
- B. On August 8, 1996, an adjudicative meeting of the State Boundary Commission was held in Lansing to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended, and the area to be considered at the public hearing was expanded.
- C. On September 26, 1996, a public hearing was held to receive testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said hearing was published and mailed pursuant to Section 8 of Public Act 191 of 1968, as amended.
- D. On March 27, 1997, an adjudicative meeting was held to reach a decision based on the information received.

INFORMATION TO BE NOTICED

- 1. The petitioner stated:
 - He represents the Village to City Committee.
 - There is concern among Village residents that the small town atmosphere and quality of life will be eroded if Township growth continues.
 - The committee would like the Village to have control over the growth and development of the town and decide how Village tax dollars will be spent.
 - The Township's needs and priorities do not mirror those of the Village.
 - The balance of voting power is shifting and the voice of the Village may no longer be heard.
- 2. The Township stated:
 - The Township Board feels that incorporation serves no purpose.
 - The Township is concerned that the Village wants to become a city so it can annex Township property.
 - The Village did not request that the area the State Boundary Commission added be included in the proposed incorporation.
 - The business owners and residents in the expanded area do not want to be included.

- Township residents are content with well water and septic fields.
3. The Village stated:
- Village officials are unanimously in favor of incorporation.
 - The Village to City Committee would like to eliminate the dual layer of local government.
 - The services being provided by the Township could be provided by the City at a reduced cost.
 - It makes sense to consider a change of municipal status before amending the present Village charter.
 - The constituents are divided regarding the incorporation.

THE COMMISSION FINDS THAT

1. The petitioner has presented an adequate rationale for requesting the incorporation.
2. The incorporation of the village does not represent an unmanageable economic loss for the Township.
3. Inclusion of the expanded area will make maintenance of the roads and provision of sewer service to this area more manageable if the proposed incorporation occurs.
4. The record of this docket is persuasive in favor of having the process of incorporation go forward.

IN CONCLUSION, THE COMMISSION FINDS THAT

1. The Commission has considered the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. The Commission has considered all of the testimony and the public record regarding the incorporation petition.
3. On March 27, 1997, at an adjudicative meeting held in Lansing, State Boundary Commissioners Kenneth VerBurg and Lloyd Walker, and Lapeer County Commissioners Whitney and Rauh voted unanimously to approve the incorporation of the petitioned area as expanded.
4. On March 27, 1997, the Commission directed the Analyst to draft findings of fact and an

order for the Commission's review prior to final action.

5. Pursuant to Section 10(3) of Public Act 191 of 1968, as amended, the Commission will recommend incorporation of the city and the election of charter commissioners at a future date unless:
 - a petition has been filed in the Boundary Commission office by 5:00 p.m. on the 45th day after the Director of the Department of Consumer and Industry Services signs the order, and
 - the petition bears the signatures of 5% or more of the registered electors residing in the area approved for incorporation.
6. If valid referendum petitions are not filed, the Director's Order shall be final on the 45th day after the Director of the Department of Consumer and Industry Services signs the order.
7. If valid referendum petitions are filed, the Director shall Order the election on the question of incorporation and the election of nine charter commissioners, to be held concurrently. The Order shall include a new effective date for this Findings of Fact and Order; such date shall be at least 10 days later than such election date.
8. If the question of incorporation is voted on by the residents of the area proposed to be incorporated and they vote to deny the incorporation, then the Director's approval Order and the election of the charter commissioners shall be null and void.
9. On May 22, 1997 at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg and Rutledge, and Lapeer County Boundary Commissioners Whitney and Rauh voted to approve the Findings of Fact and recommend that the Director of the Department of Consumer and Industry Services sign the Order. The Commission directed staff, after the Director has signed the order, to notify the parties as to the date on which the 45th day occurs.

ORDER

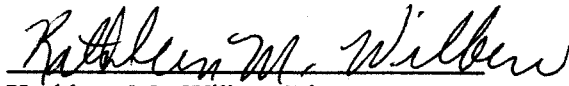
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IT IS ORDERED THAT, the incorporation of the petitioned area, as expanded, shall become effective on the 45th day after the date the Director of Consumer and Industry Services signs the Order.

IT IS FURTHER ORDERED THAT, the election of charter commissioners shall be held on a date to be determined.

IT IS FURTHER ORDERED THAT, if a referendum is held with the majority of the eligible voters voting NO on the question of incorporation, then the Director's approval is null and void.

IT IS FURTHER ORDERED THAT, the Analyst shall forthwith transmit a certified copy of these Findings of Fact and Order to the petitioner and to the clerks of Almont Township, the Village of Almont, and Lapeer County.


Kathleen M. Wilbur, Director
Department of Consumer and Industry Services

6/2/97
Date

ORDER

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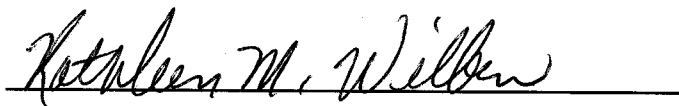
WHEREAS, the Director of the Department of Consumer and Industry Services approved petition Docket #96-I-1 for incorporation of the Village of Almont as a Home Rule City, AND

WHEREAS, more than 5% of the registered voters of the area approved for incorporation have signed and filed a valid petition within the 45 day time limit, asking for an election on the incorporation, as authorized in Public Act 191 of 1968, as amended.

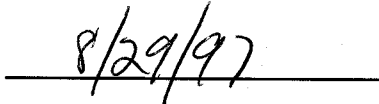
IT IS ORDERED THAT: The voters in the area approved for incorporation approve or reject this incorporation at a special election, to be held November 3, 1997. Should voters approve the question, the effective date for the Findings of Fact and Order signed on June 2, 1997 shall be November 20, 1997.

IT IS FURTHER ORDERED THAT: A special election for the election of nine charter commissioners shall also be held on November 3, 1997, pursuant to Act No. 279 of the Public Acts of 1909, as amended.

BE IT FURTHER ORDERED THAT: The State Boundary Commission shall prescribe the ballot form and that the Almont Village Clerk shall print the ballots for the election and shall conduct and direct the election in compliance with the general elections laws, while the Lapeer County Board of Canvassers shall certify the election results to the Boundary Commission, with the Village of Almont paying the expense of the election.



Kathleen M. Wilbur, Director
Department of Consumer and Industry Services



Date